

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 29**

IN THE MATTER OF:

TRI-MESSINE CONSTRUCTION COMPANY, INC.
AND ITS ALTER EGO CALLAHAN PAVING CORP.

Respondents

and

LOCAL 175, UNITED PLANT AND PRODUCTION
WORKERS,

Charging Party

and

HIGHWAY, ROAD AND STREET CONSTRUCTION
LABORERS LOCAL 1010, LIUNA, AFL-CIO,

Party in Interest

Case Nos. 29-CA-194470

Case Nos. 29-CA-206246

RESPONDENTS' MOTION TO EXCEED PAGE LIMITATIONS

Pursuant to Sections 102.5 and 102.46 of the rules and Regulations, Respondents respectfully move for an order from the Board permitting them to file a brief in support of their exceptions to the ALJ's decision and the proceedings that exceeds 50 pages. In support thereof, Respondents offer the following:

1. Respondents' exceptions to the Board are currently due on January 14, 2019.
2. This case involves many significant and complex legal issues.
3. Respondents anticipate filing several dozen exceptions to the ALJ's factual findings and legal conclusions.
4. While Respondents do not wish to overburden the Board, they believe they will be unable to summarize the evidence and advance all of their arguments effectively within 50 pages and therefore seek leave to file a brief with the Board that is 85 pages or less.

Respondents note that their brief to the ALJ was 72 pages and the General Counsel's brief to the ALJ following the hearing was 71 pages.

Dated: Garden City, New York
December 27, 2018

BOND, SCHOENECK & KING, PLLC

By: 

Mark N. Reinharz (MR 6201)

Attorneys for Respondents

1010 Franklin Avenue, Suite 200

Garden City, New York 11530

(516) 267-6320

mreinharz@bsk.com

CERTIFICATE OF SERVICE

I certify that on this 27th day of December, 2018 I caused the foregoing to be electronically filed with the National Labor Relations Board at <http://nrlb.gov> and a copy of same to be served by e-mail on the following parties of record.

Hon. Jeffrey P. Gardner, ALJ
NY Division of Judges, NLRB
26 Federal Plaza – Suite 41-120
New York, NY 10278
Jeffrey.gardner@nrlb.gov

Emily A. Cabrera
Field Attorney
National Labor Relations Board- Region 29
Two Metrotech Center, 5th Floor
Brooklyn, New York 11201
Emily.Cabrera@nrlb.gov

Barbara S. Mehlsack
Gorlick Kravitz & Listhaus P.C.
17 State Street, 4th Floor
New York, N.Y. 10004
BMehlsack@gkllaw.com

Chaikin & Chaikin
375 Park Avenue, Suite 2607
New York, New York 10152
chaikinlaw@aol.com